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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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87-268

In the Matter of

Advanced Television Systems
and Their Impact on the
Existing Television Broadcast
Service

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ORDER

Adopted: July 16, 1987

Released: July 17, 1987

By the Commission:

1. On February 13, 1987, the Association of Maximum Service Telecasters, Inc., (MST) and 57 other broadcast organizations and companies filed a joint "Petition for Notice of Inquiry," requesting the Commission to initiate a proceeding to explore the issues arising from the introduction of advanced television technologies. These technologies are designed to improve upon television picture quality and are in various stages of planning and development. These systems use different amounts of spectrum and different transmission and reception methods, many of which, to some extent, cannot be decoded or displayed by existing television receivers. The issues involved in this proceeding relate to the impact of the new technologies, on broadcast and non-broadcast uses and on the existing television broadcast service. One essential issue relates to the possible allocation or reallocation of available broadcast spectrum for use by the new technologies. On March 27, 1987, the Commission placed the MST petition on public notice.¹ Comments have been received.

2. On the basis of the record compiled to date, we find it in the public interest to initiate an Inquiry to consider these issues. As a

¹ Public Notice, Report No. 1650, Mimeo No. 2543, released March 27, 1987.

result, it is necessary to preserve sufficient broadcast spectrum to insure reasonable options relating to spectrum issues for these new technologies. Accordingly, we will temporarily freeze the TV Table of Allotments in certain areas.² No petitions to amend the table will be accepted for these areas. Further, construction permit applications for vacant television allotments in these areas will not be accepted. This freeze, however, will not apply to changes requested by existing stations. Moreover, applications and petitions for rule making already on file will continue to be processed as usual. Specifically, we will accept and process applications filed after the freeze that are mutually exclusive with applications filed before the freeze. Further, although new allotments will result from the affected pending petitions, no applications will be accepted for allotments in the specified areas during the freeze.³ The areas covered by the freeze are those areas where high densities of existing TV stations leave relatively limited spectrum available for the new technologies. In our judgment, this would preserve spectrum options in areas where we believe that additional station assignments would unduly restrict possibilities for providing additional spectrum for advanced television.⁴ The Commission will also consider waiver requests on a case-by-case basis for non-commercial educational channels, or for applicants which provide compelling reasons why this freeze should not apply to their particular situations or class of stations.

3. Accordingly, IT IS ORDERED, that effective immediately as of the close of Commission business on the day of adoption of this Order, and until further notice, the Commission WILL NOT ACCEPT amendments to the TV Table of Allotments or applications for television construction permits for

2 The affected areas are those circumscribed by the minimum co-channel separation distances specified in Section 73.610(b) of the Rules, from the reference points as given in Section 76.53 for the cities listed in the appendix.

3 The rule making Report and Order will indicate in each case whether the freeze will apply to the particular allotment.

4 This freeze will not apply to low power television (LPTV) and television translator applications. Therefore, LPTV and TV translator applications may continue to be filed in accordance with the restrictions announced in Docket No. 85-172. These constitute a secondary service and pursuant to present rules are subject to displacement by a primary service. Therefore, LPTV and TV translator grants will not restrict Commission options.

vacant television allotments within the minimum co-channel separation distance of the cities listed in the Appendix.⁵ Any television application received by the Commission that is not acceptable due to this freeze will be returned, along with any accompanying filing fee, to the applicant.

4. This action is taken pursuant to authority contained in Sections 1, 4(i), 5(d), 303(c) and (r) and 309(b) of the Communications Act of 1934, as amended.

5. For further information concerning this proceeding, contact Terry Haines, Policy and Rules Division, Mass Media Bureau, (202) 632-7792.

FEDERAL COMMUNICATIONS COMMISSION

William J. Tricarico
Secretary

⁵ Pursuant to 5 USC Section 553(d)(3) we find that a delay in the effectiveness of this freeze could substantially undercut the goals we intend to achieve thereby. Accordingly, we find good cause to make this freeze effective on the day of adoption.

APPENDIX

List of the Cities Affected by this Freeze.

NEW YORK, NY
LOS ANGELES, CA
CHICAGO, IL
PHILADELPHIA, PA
SAN FRANCISCO, CA
BOSTON, MA
DETROIT, MI
DALLAS-FT WORTH, TX
WASHINGTON, DC
HOUSTON, TX
CLEVELAND, OH
PITTSBURGH, PA
SEATTLE-TACOMA, WA
MIAMI, FL
ATLANTA, GA
MINNEAPOLIS-ST PAUL, MN
TAMPA-ST PETERSBURG, FL
SAINT LOUIS, MO
DENVER, CO
SACRAMENTO-STOCKTON, CA
INDIANAPOLIS, IN
HARTFORD-NEW HAVEN, CT
PORTLAND, OR
MILWAUKEE, WI
CINCINNATI, OH
KANSAS CITY, MO
CHARLOTTE, NC
NASHVILLE, TN
COLUMBUS, OH
NEW ORLEANS, LA